



# UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Mailed: 5/6/05

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In re application of :  
Lorenz J. Bauer :  
Serial No. 10/045,395 :  
Filed: November 7, 2001 :  
For: MIDDLE DISTILLATE SELECTIVE :  
HYDROCRACKING PROCESS :

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT - OFFICE ACTION NOT RECEIVED, mailed June 10, 2004. The petitioner requests that the abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance, mailed May 27, 2004, be withdrawn. The requester asserts that the Notice of Allowance was not received at the applicant's correspondence address.

## DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicants or applicant's representative did not receive the Notice of Allowance, mailed December 12, 2003. The evidence provided includes a statement by the petitioner that the Notice of Allowance and Issue Fee Due, mailed December 12, 2003, was not received, and a statement that a search of the file jacket and docket records indicate that the Notice of Allowance and Issue Fee Due was not received. Petitioner has also provided a copy of the application docket records where the Notice of Allowance would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Notice of Allowance and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

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